

Application No. 09/676,924
Amendment "E" dated April 3, 2006
Reply to Office action mailed January 3, 2006

REMARKS

Applicant respectfully requests reconsideration and allowance for the above-identified application. Claims 1, 2, 4, 6, 8-13, 15-20, 22, and 23 remain pending, wherein claims 1, 4, 6, 8-10, 13, 16, 20 and 21 have been amended, and claim 7 has been canceled.

Initially Applicant and Applicant's attorney express appreciation to the Examiner and the Examiner's supervisor for the courtesies extended during the recent telephonic interview held on March 13, 2006. The claim amendments and arguments submitted in this paper are consistent with the amendments and arguments presented during the course of the interview. Applicants also note with appreciation the Examiner's withdrawal of the previous grounds of rejection.

The Office action objects to the specification for various informalities. More specifically, the Office action alleges that the textual portion of the specification is "replete with grammatical and idiomatic errors too numerous to mention specifically." Applicant respectfully disagrees with the Office action that such alleged errors are "too numerous to mention specifically." Nevertheless, in order to address the Office action's concerns in the most cost effective manner, Applicant will modify those portions of the specification that typographical or other errors are found when reviewing the application to respond to communications received from the Office. Likewise, Applicant respectfully request during review of the application by the Office in response to Applicant's communications that the Office identify the alleged grammatical and idiomatic errors noted. Applicant, however, at this time respectfully submits that a comprehensive review of the application as requested by the Office action is not needed until a Notice of Allowance is received.

The Office action also rejects claim 1 and claim 13 under 35 U.S.C. § 112, first paragraph, as allegedly not complying with the written description requirement. More specifically, the Office action alleges that the elements of "in response to receiving the first HTTP-based 'reply', transmitting first parked HTTP-based 'request' from the first processor to be parked at the second processor for establishing a persistent communication channel between the first processor and the second processor through the proxy server to allow the transfer of second messages from the second processor to the first processor, and the delivery of second message delivery acknowledgements from the first processor to the second processor" and "including a connection time out period in a parked HTTP-based 'request' such that the parked

Application No. 09/676,924
Amendment "I" dated April 3, 2006
Reply to Office action mailed January 3, 2006

HTTP-based 'request' further requests a HTTP-based 'reply' from the server after expiration of the connection time out period even if there are no messages to send to the client in order to avoid connection termination by the proxy server due to communication inactivity" are not supported by the specification.

As discussed during the interview, Applicant has either amended these claims to address the Examiner's concerns and/or otherwise noted where within the specification support for these claims are found. More specifically, Applicant respectfully notes that support for the claims as amended can be found throughout the specification, for example on in the first full paragraphs on both Page 18 and page 20. Accordingly, since claims 1 and 13 are consistent with the disclosure, Applicant respectfully requests that the rejection of claims 1 and 13 under 35 U.S.C. § 112, first paragraph, be reconsidered and withdrawn.

Next, the Office action rejects claims 13 and 16 as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.¹ In particular, the Office action states that the phrase "such that" renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. In support of such allegation, the Office action cites M.P.E.P. § 2173.05(d). Although Applicant has amended these claims in order to address the Examiner's concerns, for at least the following reasons Applicant respectfully disagrees with such conclusion. More specifically, the cited section of the M.P.E.P. states that exemplary claim language ("for example", "such as", etc.) is not proper. The phrase "such that", however, does not fall under such exemplary claim language. If fact, Applicant respectfully submits that such claim recitation can be proper (*see, e.g.*, M.P.E.P. § 2173.05(g)), depending on how it used. Nevertheless, as indicated above, in the interest of expediting prosecution, Applicant has amended these claims. Accordingly, Applicant respectfully requests withdrawal of this ground of rejection.

Thereafter, the Office action rejects claims 1, 2, 4, 6-13, 20, 22, and 23 under 35 U.S.C. § 102(c) as allegedly anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,725,272 to Susai et al. ("*Susai*"). In addition, the Office action rejects these claims under 35 U.S.C. § 102(e) as allegedly anticipated by or, in the

¹ Applicant respectfully notes that although the rejection in the Office action cites claim 17, because claim 16 included the limitation cited while claim 17 does not—Applicant assumes that such inconsistency is a typographical error. Accordingly, Applicant will respond to the Office action as if claim 16 were recited under this rejection.

Application No. 09/676,924
Amendment "E" dated April 3, 2006
Reply to Office action mailed January 3, 2006

alternative, under 35 U.S.C. §103(a) as allegedly being unpatentable over BEA Systems, Inc., *BEA WebLogic Server 5.1* (2000), at <http://www.weblogic.com/docs51/admindocs/gttr.html> ("*BEA*").² Applicant respectfully traverses these grounds of rejection.³

The present invention provides for an HTTP-based, reliable messaging protocol that enables bi-directional reliable massaging through a web proxy. In one embodiment of the present invention, client generated requests parked at a server may include a request that the server send a reply after a period of time. This will ensure that the client's proxy server will not time out and close the connection due to inactivity on the channel. Independent claim 13 describes a method directed toward such embodiment. For example, claim 13 recites, *inter alia*, a method of enabling transmission of unsolicited messages from a server to a client by ensuring that a persistent connection between the server and the client does not time out. The method comprises: selecting by a client a connection time out period used in order to determine a time duration in which the client is to receive a "reply" message from a server in order to ensure persistent connectivity between the client and the server; allowing the client to include the connection time out period in a parked HTTP-based "request" sent from the client to be parked at the server for requesting an HTTP-based "reply" from the server after the expiration of the connection time out period even if there are no messages to send to the client in order to avoid connection termination by the proxy server due to communication inactivity; and transmitting the parked HTTP-based "request" to the server via the proxy server to open a persistent connection therewith. Claims 1 and 20 describe methods with some similar elements as those described above with regards to claim 13.

As discussed and generally agreed to during the interview, the cited art of record does not anticipate or otherwise render amended claims 1, 13, and 20 unpatentable. More specifically,

² Applicant respectfully notes that the header of the rejection of the claims in view of *BEA* does not combine such reference with the teachings of *Susai*. The body of the rejection, however, relies on *Susai* for stating that Applicant's claims differ from *Susai* "only by degree." Because, however, *Susai* is not relied on in the header of the rejection, and because the Office action provides no motivation for combining the teachings of *BEA* with those of *Susai*, Applicant assumes that the inclusion of such statements in the rejection under *BEA* are typographical errors and will respond as if *Susai* was not included in the rejection. If, however, the Office action is relying on some combination of reference teachings, Applicant respectfully requests that the next communication from the Office explicitly describe how reference teachings are combined and provide proper motivation for such combination so that Applicant has a full and fair opportunity to respond to such allegations.

³ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to do so in the future. Accordingly, any amendment or arguments made herein should not be construed as acquiescing to any prior art status or asserted teachings of the cited art.

Application No. 09/676,924
Amendment "1:" dated April 3, 2006
Reply to Office action mailed January 3, 2006

neither of *Susai* nor *BEA*—taken either individually or as a whole—disclose, suggest, or enable each and every feature of these claims.⁴ For example, with respect to claim 13, neither *Susai* nor *BEA* disclose or suggest: selecting by a client a connection time out period used in order to determine a time duration in which the client is to receive a “reply” message from a server in order to ensure persistent connectivity between the client and the server; allowing the client to include the connection time out period in a parked HTTP-based “request” sent from the client to be parked at the server for requesting an HTTP-based “reply” from the server after the expiration of the connection time out period even if there are no messages to send to the client in order to avoid connection termination by the proxy server due to communication inactivity, and a connection time out period sent from a client to a server in an HTTP-based “request” that is to be parked at the server which is then transmitted to the server.

Susai discloses guaranteed content delivery incorporating putting a client on-hold based on response time. As discussed during the interview, although *Susai* allows a client to specify a “wait time”, this is not the same as Applicant’s claim of a “connection time out period.” In fact, as note in col. 7, ll. 32-66 of *Susai*, the “wait time” determines if the client should be put on hold or directly routed to the requested server. Such “wait time”, however, does not indicate that a server should respond within some predetermined expiration of the “wait time.” In addition, *Susai* is silent with regard to a parked HTTP-based “request”, and therefore cannot possible disclose or suggest including the “wait time” in such request.

BEA discloses setting up WebLogic as an HTTP server. Also as discussed during the interview, although *BEA* discloses a clientPingSecs, which requires a server to purposefully respond to a client upon expiration thereof, *BEA* is silent to how such clientPingSecs is transmitted to the server. As such, *BEA* cannot possibly disclose allowing a client to include such clientPingSecs in a parked HTTP-based “request” message as claimed in Applicant’s claim 13.

⁴ “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131. Applicants also note that “[i]n determining that quantum of prior art disclosure which is necessary to declare an applicant’s invention ‘not novel’ or ‘anticipated’ within section 102, the stated test is whether a reference contains an ‘enabling disclosure.’” MPEP § 2121.01. In other words, a cited reference must be enabled with respect to each claim limitation.

In order to establish a *prima facie* case of obviousness, “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” MPEP § 2143 (emphasis added). During examination, the pending claims are given their broadest reasonable interpretation, i.e., they are interpreted as broadly as their terms reasonably allow, consistent with the specification. MPEP §§ 2111 & 2111.01.

Application No. 09/676,924
Amendment "E" dated April 3, 2006
Reply to Office action mailed January 3, 2006

Therefore, Applicant respectfully submits that neither *Susai* nor *BEA*—taken either individually or as a whole—disclose or suggest: selecting by a client a connection time out period used in order to determine a time duration in which the client is to receive a “reply” message from a server in order to ensure persistent connectivity between the client and the server; allowing the client to include the connection time out period in a parked HTTP-based “request” sent from the client to be parked at the server for requesting an HTTP-based “reply” from the server after the expiration of the connection time out period even if there are no messages to send to the client in order to avoid connection termination by the proxy server due to communication inactivity, and a connection time out period sent from a client to a server in an HTTP-based “request” that is to be parked at the server which is then transmitted to the server, as recited, *inter alia*, in claim 13. Indeed, as agreed and noted in the Interview Summary, the amendment proposed during the interview appears to overcome current rejections, meaning that a new search most likely will be needed.

As noted above, claims 1 and 20 have been amended to include elements similar to those discussed above with regard to claim 13. Accordingly, these claims are patentably distinguishable over the art of record for at least those reasons stated above with regard to claim 13.

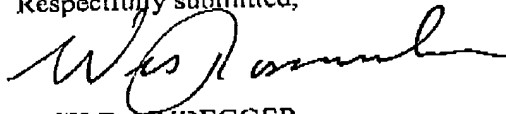
Based on at least the foregoing reasons, Applicant respectfully submits that the cited prior art fails to anticipate or otherwise make obvious Applicant's invention, as claimed for example, in independent claims 1, 13, and 20. Applicant notes for the record that the remarks above render the remaining rejections of record for the independent and dependent claims moot, and thus addressing individual rejections or assertion with respect to the teachings of the cited art is unnecessary at the present time, but may be undertaken in the future if necessary or desirable, and Applicant reserves the right to do so.

Application No. 09/676,924
Amendment "E" dated April 3, 2006
Reply to Office action mailed January 3, 2006

All objections and rejections having been addressed, Applicant respectfully submits that the present application is in condition for allowance, and notice to this effect is earnestly solicited. Should any question arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at +1.801.533.9800.

Dated this 3rd day of March, 2006.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
WESLEY C. ROSANDER
Registration No. 51,030
Attorney for Applicant
Customer No. 047973

WCR:lao
W:\13768\604\AL AM0000003593V001.DOC